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Rights of the Child

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OTHER MATTERS

Status of the amendment to the Convention on the Rights of the Child

Note by the Secretary-General

1. At present, there are 191 States parties to the Convention on the Rights of the Child, which has become, within an exceptionally short period of time, the international human rights instrument with the largest number of ratifications.

2. The World Conference on Human Rights recommended that the Committee on the Rights of the Child should be enabled expeditiously and effectively to meet its mandate, especially in view of the unprecedented extent of ratification and subsequent submission of country reports.

3. In accordance with article 50, paragraph 1 of the Convention, the Government of Costa Rica on 17 April 1995 proposed the following amendment to article 43, paragraph 2 of the Convention:

> "2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems."

4. On 12 December 1995, the Conference of the States parties to the Convention adopted by consensus the amendment replacing in article 43, paragraph 2, of the Convention the word "ten" with the word "eighteen".

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5. In accordance with the provisions of article 50 of the Convention, an amendment "... shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States parties".

6. By its resolution 50/155 of 21 December 1995, the General Assembly approved the amendment and urged States parties to take appropriate measures so that their acceptance by a two-thirds majority of States parties could be reached as soon as possible for the amendment to enter into force.

7. In order for the amendment to enter into force, it is therefore required that a two-thirds majority of States parties (120 States out of a total of 180 which were parties to the Convention at the time of the convening of the Conference of the States Parties) notify to the Secretary-General, who is the depositary of the Convention, their acceptance of the amendment.

8. On 10 January 2000, the Committee on the Rights of the Child held an informal meeting with Permanent Missions of States parties to the Convention represented in Geneva which had not yet notified their acceptance of the amendment to article 43.3 of the Convention. The purpose of the meeting was to encourage those States parties to do so.

9. By its resolution 54/149 of 17 December 1999 the General Assembly reiterated its call upon States parties to the Convention to take appropriate measures so that acceptance of the amendment by the required majority might be reached as soon as possible in order that the amendment might enter into force.

10. With a view to ensuring the entry into force of the amendment as soon as possible, as requested by the General Assembly, States parties may wish to envisage appropriate measures for an early notification of acceptance.

11. As of 10 November 2000, 93 instruments of acceptance had been deposited.

12. In accordance with the provisions of article 43, paragraph 6, of the Convention, at the first election, held in 1991, the names of five members whose term was to expire at the end of two years were chosen by lot by the Chairman of the meeting. At the first election after the entry into force of the amendment, 13 members of the Committee will have to be elected. Following the same procedure, it is expected that the term of four of the members elected will expire at the end of two years.

13. The attention of the States parties is also drawn to the fact that rule 13, paragraph 1, of the rules of procedure of the Meetings of the States Parties to the Convention on the Rights of the Child will need to be amended in order to read as follows:

> "1. The eighteen members of the Committee on the Rights of the Child shall be experts of high moral standing and recognized competence in the field covered by the Convention, who shall serve in their personal capacity."